REMARKS

In accordance with the foregoing, claim 1 has been amended. Claims 1-6 and 8-25 are pending and under consideration.

The Examiner continues the prior art rejections relying upon US Patent No. 6,549,921 to Ofek in view of US Patent No. 6,480,962 to Touboul. The undersigned attempted to reach the Examiner to obtain a better understanding of how the Examiner is reading the claims on Touboul. As described below, it is submitted that there is no clear correspondence between the claimed invention and Touboul.

The claims have been amended to clarify that the system comprises the claimed elements. The claimed elements are not part of the data communications network. It therefore should be clear that the data communications network is separate from the computer-to-computer connection because the computer-to-computer connection is part of the system. The system is connected to the data communications network, and therefore, the data communications network cannot be part of the system.

First and second computers

The claims recite a first computer and a second computer redundant to and independent from the first computer. For these features, it appears that the Examiner is respectively relying upon the local storage facility 10 and the remote storage facility 11 disclosed in Ofek. However, these storage facilities are not the same as redundant computers.

Computer-to-computer connection

The claims recite a computer-to-computer connection between the first and second computer enabling the first computer to match the second computer by comparing a first work result of the first computer with a second work result of the second computer. In Ofek, the only connection between the local system 10 and the remote system 11 is via link directors 30 and 33. The claims recite that the second computer is redundant of the first computer and that the work results of the first and second computer are compared. For this limitation, the Examiner cites the resynchronization process, which occurs after a backup operation. Applicant questions whether this resynchronization process is a redundant operation in which work results are compared. Moreover, because the resynchronization process occurs after backup, it is clearly dependent on the backup process, which the Examiner clearly relates to a computer-to-network connection.

Computer-to-network connection

  The claims refer to a computer-to-network connection to connect the first and second computers to the data communications network, which is <u>independent from the computer-to-computer connection</u>. Ofek only shows a data communications network. There are no first and second computers separate from the data communications network. Elements 30 and 33 are the only elements connecting the local system 10 and the remote system 11. Perhaps the Examiner reads the computer-to-network connection on some internal connection within the local system 10 (or the remote system 11). For example, perhaps the Examiner reads the computer-to-network connection on a connection between the system manager 23 and the system memory 14. However, because the remote system 11 is not connected to the system manager 23, this could not be a computer-to-network connection.

  On page 3 of the Office Action, the Examiner states:

> while the backup operating mode is enabled, the second data facility to backup data to the backup facility to enhance data integrity while the first data storage utility records the changes to its data. After the backup to the backup facility (3rd data storage facility) is completed , there is still a connection (physical and actual) communication between the first and second data storage facility. This does not change the fact that Ofek discloses that transmission of data is limited from the first computer to the second data storage facility as the second data storage facility only serves as a mirror to the first data storage facility for the purposes of protecting the data.

  Applicant is confused by the Examiner's statement. When the Examiner refers to the backup facility (3rd data storage facility), it is unclear whether the Examiner is changing his definition of the first and second computer. That is, is the Examiner now reading one of the first and second computers on this third data storage facility?

  The Examiner states that after the backup is completed, there is still a connection between the first and second data storage facilities. However, Ofek clearly indicates that there is a disconnection during the backup procedure. This disconnection is required because Ofek does

not disclose a computer system separate from a data communications network, and Ofek does not disclose a computer-to-network connection independent from a computer-to-computer connection. In Ofek, there is only one connection, and all operations on this connection are dependent on one another.

In the present patent application, comparing the work results and transmitting non-verified or non-verifiable data in non-processable form from the first to the second computer is done via the computer-to-computer connection, whereas the first and second computer's limitations to receive or transmit any data apply to data from or to the data communications network. Again, the computer-to-computer connection is different from the data communications network.

As per column 5, lines 44-51, Ofek discloses "a data processing network comprising two essentially identical data processing systems that include a local system 10 and a geographically remote system 11. A communications link 12, comprising fiber optic cables or high speed data transmission lines, interconnects the local system 10 and remote system 11. The physical separation between the local system 10 and the remote system 11 can be up to hundreds of kilometers or more."

Thus, the data processing network comprises the systems 10 and 11 and the communications link 12 therebetween. In other words, the communications link 12 is part of the data processing network, but there is in no case a different data transmission connection.

In view of the foregoing amendments and remarks, it is submitted that the claims are in condition for allowance. If the Examiner disagrees, the Examiner is requested to telephone the undersigned to avoid further extending prosecution and to arrive at allowable subject matter.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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